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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,975	06/13/2001	Thomas J. Sonderman	2000.045300	5882

23720 7590 02/20/2003

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HOUSTON, TX 77042

EXAMINER

KIELIN, ERIK J

ART UNIT	PAPER NUMBER
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2813

DATE MAILED: 02/20/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/880975

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner of Patents and Trademarks

Art Unit: 2813

DETAILED ACTION

Response to Amendment

1. The reply filed on 9 December 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Newly submitted claims 1 and 22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The restriction requirement filed 27 December 2001 indicated that varying the time that the copper layer is electroplated, is a patentably distinct species. Applicant did not elect this species as indicated by Applicant in Paper No. 6, filed 11 June 2002. The newly submitted claims, however, are drawn to this non-elected species.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1, 7-12, and 22 (all active claims) are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Although all claims are withdrawn from further consideration and the application could be properly made final since there are no active claims as a result of Applicant's amendment, in the interest of customer service, the amendment is being held non-responsive to allow Applicant the opportunity to amend the claims within the elected species.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid


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abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik Kielin whose telephone number is 703-306-5980. The examiner can normally be reached on 9:00 - 19:30 on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr., can be reached at 703-308-4940. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


Erik Kielin
February 19, 2003